

FILED

DEC 13 2006

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
By RD DEPUTY

Jeremy Pinson
Name
215 N 3rd street
Chickasha OK 73018
Address

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

CIV-06-1372 C

Jeremy Pinson, Plaintiff
(Full Name)

CASE NO. _____
(To be supplied by the Clerk)

v.

John Whetzel, Defendant (s)
Sheriff

CIVIL RIGHTS COMPLAINT
PURSUANT TO 42 U.S.C.
§1983

A. JURISDICTION

1) Jeremy Pinson, is a citizen of Oklahoma
(Plaintiff) (State)
who presently resides at 215 N 3rd Street, Chickasha, OK
73018 (Grady Jail)
(Mailing address or place of confinement)

2) Defendant John Whetzel is a citizen of
(Name of first defendant)
Oklahoma City, Oklahoma, and is employed as
(City, State)
Sheriff of Oklahoma County. At the time the claim(s)
(Position and title, if any)

alleged in this complaint arose, was this defendant acting under color of state law? Yes ☒ No ☐. If your answer is "Yes", briefly explain:

Acting under color of state law the Defendant abused and violated the Plaintiffs constitutional rights through deliberate indifference and neglect in his official capacities

- 3) Defendant _____ is a citizen of _____
 _____, and is employed as _____

 _____ At the time the claim(s)

 alleged in this complaint arose was this defendant acting under color of
 state law? Yes ☐ No ☐ If your answer is "Yes", briefly explain:

(Use the back of this page to furnish the above information for additional defendants.)

- 4) Jurisdiction is invoked pursuant to 28 U.S.C. §1343(3); 42 U.S.C. §1983.
 (If you wish to assert jurisdiction under different or additional statutes,
 you may list them below.) Federal Tort Claims Act 28 USC 1346(b)
(1) and 2671-80

B. NATURE OF THE CASE

- 1) Briefly state the background of your case. In September 2006 Staff Sergeant Medaniel's the unit manager was told of the location of knives, tattoo making equipment, and racial tension in unit 10-D at the CDC which he reported to Maj. Orange and Sheriff Whetsel after told by Plaintiff. One morning the Plaintiff gave Lpl. Kirby two tattoo needles, the location of shanks in the ceiling and inmates cells. On or about Sept. 20th the Plaintiff sustained a head injury from an assault. The Plaintiff was placed in protective custody with inmate Zachary Clarkson despite complaints of an ongoing feud between Clarkson and the Plaintiff. On or about 10-6-06 Clarkson stabbed the Plaintiff. On 10-13-06 the Plaintiff was moved to the Grady County Jail after Judge David Russell granted a motion to order the USMS to relocate the Plaintiff.

C. CAUSE OF ACTION

- 1) I allege that the following of my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: (If necessary you may attach up to two additional pages (8½" x 11") to explain any allegation or to list additional supporting facts.)

A) (1) Count I: 8th Amendment USCA - Violated
"Cruel and Unusual Punishment" Clause via
deliberate indifference.

(2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and date. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

1. Sherriff whetsel was repeatedly warned of knives and danger.
2. Sherriff whetsel knew Inmate Clarkson did not get along with and was paranoid of the Plaintiff and was unstable because of a history of ^{suicide} leaving notes ^{for Plaintiff} for detention officers.
3. Sherriff whetsel allowed I/m Clarkson to be housed in P.C. with I/m Anso and Plaintiff was stabbed in the most severe unit in the jail because staff did not search inmate Clarkson or heed Plaintiff's warnings.

B) (1) Count II: Federal Tort Claims Act

(2) Supporting Facts:

SEE Section C. 1) A) (2)

C) (1) Count III: _____

(2) Supporting Facts:

D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

- 1) Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to the conditions of your imprisonment? Yes ☒ No ☐. If your answer is "Yes", describe each lawsuit. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

a) Parties to previous lawsuit:

Plaintiffs: Jeremy Pinson

Defendants: Renee Watkins, et al.

b) Name of court and docket number USDC WD Okla
CEV-06-323-F

c) Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) Pending

d) Issues raised 8th viol USCA

e) Approximate date of filing lawsuit 3-28-06

f) Approximate date of disposition N/A

- 2) I have previously sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part C. Yes ☒ No ☐ . If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No", briefly explain why administrative relief was not sought. 3 Request to Staff filed concerning USM-395 filed on knife issue, and grievance requested, and on grievance filed (see Exhibits 1, 2, 3) A grievance was filed and 2 USM-395 were filed After stabbing. Also Motion to relocate filed (see Exhibit 4)
- E. REQUEST FOR RELIEF Exhibits 1-3 were answered

- 1) I believe that I am entitled to the following relief:
- \$ Actual Damages for physical injury 25,000 Dollars, emotional pain and suffering \$10,000.00
- \$ 250,000.00 punitive Damages
- Permanent injunctive Relief barring Defendant from certain actions.

Signature of Attorney (if any)

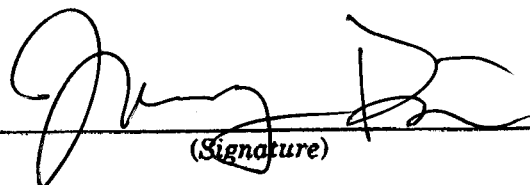
Signature of Petitioner

(Attorney's full address and telephone number.)

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares (or certifies, verifies, or states) under penalty of perjury that he is the plaintiff in the above action, that he has read the above complaint and that the information contained therein is true and correct. 28 U.S.C. § 1746. 18 U.S.C. § 1621.

Executed at Grady Co Jail on 12.11.06, 1998.
(Location) (Date)


(Signature)